

IN THE MATTER OF THE
THE APPLICATION OF
PATRICK OLIVER MAHER, ET UX
FOR A SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
SOUTHEAST SIDE PHOENIX ROAD,
WEST SIDE STARLIGHT FARM DR.,
PARCEL 2A
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner for Baltimore County denying the special hearing, ordering the building in question to be removed, and further ordering that the parcel upon which the building is situated shall be conveyed to the present owner of what is known as Lot 2.

In opening statements before the Board, it was indicated that all parties involved in the case had agreed in essence with the Order of the Zoning Commissioner, and the reason for the hearing was to create a record in which the Board would affirm the decision of the Zoning Commissioner with certain conditions. There being no testimony or evidence presented but statements on the record of agreement between all parties, the Board will therefore issue the following Order.

ORDER

IT IS THEREFORE this 14th day of November, 1990 by the County Board of Appeals of Baltimore ORDERED that the Order of the Zoning Commissioner dated February 12, 1990, be and the same is AFFIRMED with the following conditions.

Case No. 90-215-SPHA Patrick Oliver Maher, et ux

IT IS ORDERED that the existing barn on Parcel 2A shall be removed on or before February 19, 1991. Upon removal of the barn from Parcel 2A, Petitioner shall inform the Office of Zoning Enforcement of compliance with this Order and shall provide for a thorough inspection of the property to determine complete compliance with this Order; and

IT IS FURTHER ORDERED that Parcel 2A shall be conveyed to the present owner of Lot 2 and shall continuously be conveyed in the future with any further conveyances of Lot 2 to any future owner or holder of legal title; and

IT IS FURTHER ORDERED that Petitioner shall prepare such deeds as are necessary to correct the conveyance to the present owner of Lot 2 to include Parcel 2A consistent with this Order. The new deed shall be prepared and filed in the Land Records of Baltimore County on or before February 19, 1991 and a copy shall be provided to the Office of the Zoning Commissioner on or before April 15, 1991.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman
Lynn B. Moreland
Michael B. Stuge

IN RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE
SE/5 Phoenix Rd. W/ Starlight Farm Drive - Parcel 2A
8th Election District
3rd Councilmanic District
Patrick Oliver Maher, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 90-215-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Special Hearing to approve the amendment of the approved Development Plan of "Lismore" to allow owners to retain existing barn on Parcel 2A and a Zoning Variance from Sections 400.1, 400.3 and 1A03.4.B.4 to permit an accessory structure (existing barn) on an individual lot without a principal building, a height of 31', a lot line setback of 30', and a street centerline setback of 30' in lieu of the required 15', 50' and 100', respectively, as more particularly described on Petitioners' Exhibits 2 and 3.

The Petitioner, Patrick Oliver Maher, appeared, testified and was represented by Lewis L. Fleury, Esquire. Appearing on behalf of the Petitioner was Mr. Edward L. Rosenberg and Mr. John E. Sandrook. Mr. B. Dale Gibson appeared and testified as a Protester.

The subject of this particular Petition is extremely straightforward and I will not recount the extensive testimony of the witnesses. The Petitioner's Exhibit 4 is a set of pictures which are representative of a pre-existing barn found on Parcel 2A of this subdivision. The entire subdivision known as Lismore was a farm. That barn, as can be seen on Petitioner's Exhibit 2, was left on a small 3/10ths of an acre parcel known as Parcel 2A allegedly incorporated with lot 2 which was 13-1/2 acres +/- at the time of

subdivision. During the subdivision and CRG processes, the original developer, Patrick O. Maher, subdivided this property into lots for homes. He left the existing barn on a free-standing noncontiguous parcel with no actual use or connection to any other lot. However, after the CRG process was completed, the Petitioner was unable to secure zoning approval of the subdivision because Parcel 2A represented an illegal additional subdivision. The final development plan for Lismore was changed and a note was placed on the final development plan that a special hearing would be applied for to "... retain the barn as accessory to Lot 2 and if denied, the barn to be removed".

The Lismore subdivision was then processed for zoning approval and final development plan review. The plat was recorded and lots were sold and homes have been built in the community. During the period 1987-1989, the developer, Patrick O. Maher, and his successors in title, never bothered to apply for the special hearing for determination of the status of the barn and the creation of Parcel 2A. In fact, this matter would not have arose had it not been for a zoning complaint filed with the Office of Zoning Enforcement.

The Petitioner and his successors in title now claim that they do not wish for Parcel 2A to be conveyed with Lot 2 and have, in fact, consummated a sale of Lot 2 without conveying Parcel 2A. The Petitioner has deliberately attempted to sell Lot 2 in contradiction of the final development plan for Lismore and, as such, has acted outside the scope of the B.C.Z.R. The effect of this transfer is to create an illegal subdivision of Lot 2 and Parcel 2A.

The Protester is an adjoining landowner who is not within the subdivision of Lismore, but whose property lies in the Starlight Farms Subdivision. Mr. Gibson, the Protester, is the most directly affected neighbor to

-2-

this subject barn and is strongly opposed to its continued existence and the transfer of Parcel 2A to properties owned by Mr. Edward L. Rosenberg. Mr. Rosenberg has said that the Starlight Farms subdivision. He would like to add the 13-1/2 acres of ground in Parcel 2A to his land holdings and use the barn as an outbuilding for the maintenance of his land holdings before he builds houses on the lots.

The Petitioner spent a great deal of time arguing that the special hearing for the interpretation of the status of this accessory barn in 1986 was delayed and totally not consummated because the Zoning Office would not permit the hearing to take place in a timely fashion. The facts clearly establish that the Petitioner made no effort to try to file this matter. The Petitioner has attempted to circumvent the requirements of the Baltimore County Zoning Regulations (B.C.Z.R.) and has made no effort to comply with the requirements of the development plan process in this matter.

The transfer of this land to Mr. Rosenberg would be contrary to the spirit and intent of the B.C.Z.R. and would, thereby, create an illegal double counting of density and double usage of the same land within two development plans. This parcel of ground was originally determined to be part of Lot 2 of the Lismore development and there is no compelling reason to remove this land from the Lismore development. There is no substantive evidentiary legal premise on which to base a transfer of this property to any lot outside of the Lismore development. In fact, logic dictates that Parcel 2A should either be part of Lot 1 or part of Lot 2 of the Lismore development.

There is simply no evidence in the record to support the existence of a freestanding accessory structure located on a separate parcel not contiguous to the lot of the development in which it was placed. Furthermore, there is

no evidence to substantiate that this accessory structure is in any way used to support any activities on any lot within the Lismore development. The only possible use of this structure is a belief by Mr. Rosenberg that the structure could be used to store a tractor for maintenance of his lot in the Starlight Farms Subdivision until such time as his land in Starlight Farms Subdivision have been developed with homes. This is not permitted by the B.C.Z.R.

The Petitioner should have resolved this matter immediately after the filing of the final development plan in May of 1986 and the delay has done nothing to substantiate that this structure serves an accessory use or purpose as that term is defined of the B.C.Z.R.

Clearly, the structure must be removed and the parcel of land known as Parcel 2A of Lismore must be conveyed consistent with the requirements of the B.C.Z.R. and the final development plan for Lismore with Lot 2 to the present owner of Lot 2 of that subdivision.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of February, 1990 that request for a Special Hearing to allow approve the amendment of the approved Development Plan of "Lismore" to allow owners to retain existing barn on Parcel 2A; and a Zoning Variance from Sections 400.1, 400.3 and 1A03.4.B.4 to permit an accessory structure (existing barn) on an individual lot without a principal building, a height of 31', a lot line setback of 30', and a street centerline setback of 30' in lieu of the required 15', 50' and 100', respectively, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the presently existing barn on Parcel 2A shall be removed on or before July 1, 1990. Upon removal of the barn from Parcel 2A, the Petitioner shall inform the Office of Zoning Enforcement of compliance with this Order and shall provide for a thorough inspection of the property to determine complete compliance with this Order; and,

IT IS FURTHER ORDERED that Parcel 2A shall be conveyed to the present owner of Lot 2 and shall continuously be conveyed in the future with any further conveyances of Lot 2 to any future owner or holder of legal title. The Petitioner shall prepare such deeds as are necessary to correct the conveyance to the present owner of Lot 2 to include Parcel 2A consistent with this Order. The new deed shall be prepared and filed in the Land Records of Baltimore County on or before July 1, 1990 and a copy shall be provided to the Office of the Zoning Commissioner on or before September 1, 1990.

JRH:mm
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-215-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1, 400.3, and 1A03.4.B.4 (Zoning Policy 2.5.1) to permit an accessory structure (existing barn) on an individual lot without a principal building, a height of 31', a lot line setback of 30', and a street centerline setback of 30', in lieu of the required 15', 50', and 100', respectively. The following reason(s) justify the requested Variance: (Indicate hardship or practical difficulty) Removal of sound barn structure would require unjustified expense, loss of a usable asset and continuous cutting and maintenance of an unusable vacant lot, all of which would cause a hardship and practical difficulties to the Petitioners.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I, we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature Address City and State	Legal Owner(s): Patrick Oliver Maher (Type or Print Name) Signature Address City and State
Attorney for Petitioner: Lewis L. Fleury (Type or Print Name) Signature 424 Woodbine Avenue Towson, Maryland 21204 City and State	135 Grosvenor Landing Dunwoody, Georgia 30300 City and State Name, address and phone number of legal owner, contract purchaser or representative, to be contacted Owners' Attorney Name Address City and State
Attorney's Telephone No.: 825-9200	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of February, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of February, 1990, at 9:30 o'clock P.M.

(over)

LEWIS L. FLEURY
ATTORNEY AT LAW
484 WOODHINE AVENUE
TOWSON, MARYLAND 21204
(410) 825-9200

November 16, 1992

Office of the Zoning Commissioner
Courthouse
Towson, Maryland 21204

RE: Case No. C-89-1404
Parcel 2A - Starlight Farm Drive
8th Election District
County Board of Appeals No. 90-215-SPA
Property Owner: Patrick Oliver Maher and Wife

Gentlemen:

Pursuant to the Order of the Zoning Commissioner dated February 12, 1990 and the Order of the Board of Appeals dated November 14, 1990 in the above styled matter, I certify that the barn previously located on Parcel 2A of Lismore, mentioned in said Orders, has been removed therefrom and that Parcel 2A has been conveyed to Jeffrey C. Smith and Phyllis S. Smith, his wife, owners of Lot 2 of said subdivision. Enclosed herewith is a copy of said Deed.

Please confirm receipt of these documents by signing the enclosed copy of this letter and returning it to me in the enclosed self-addressed envelope.

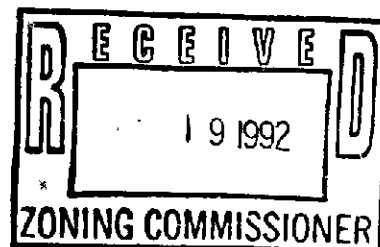
Thank you very much for your assistance.

Very truly yours,

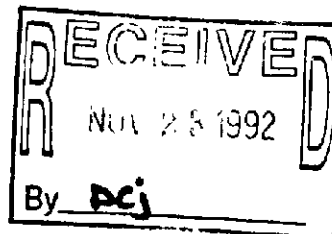
Lewis L. Fleury

LLF/bg
Enclosure
39/MAH.OZC

cc: Dr. and Mrs. P. Oliver Maher
Mr. and Mrs. Jeffrey C. Smith



To: Joe Morley
11/23/92-uwr
(see me)



LIBER 934-9 PAGE 713

THIS DEED, Made This 26 day of May in the year one thousand nine hundred and ninety-two by and between P. OLIVER MAHER and MARY J. MAHER, of Baltimore County in the State of Maryland, "Grantors," of the first part, and JEFFREY C. SMITH and PHYLLIS S. SMITH, his wife, "Grantees," of the second part.

WHEREAS, the Grantors herein have prior hereto sold and transferred Lot 2 on the hereinafter described plat of "Lismore" to Grantees; and

WHEREAS, the Zoning Commissioner of Baltimore County on February 12, 1990 (In Re: Petition for Special Hearing and Zoning Variance, Case No. 90-215-SPA), found that Parcel 2A is part of Lot 2 and that said transfer was "in contradiction of the final development plan for Lismore," and ordered the Grantors to transfer the herein described parcel to Grantees; and

WHEREAS, this Deed is executed pursuant to said Order.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00) and no other consideration, the receipt whereof is hereby expressly acknowledged, the said P. OLIVER MAHER and MARY J. MAHER do hereby grant and convey unto the said JEFFREY C. SMITH and PHYLLIS S. SMITH, his wife, as tenants by the entirety, their assigns, the survivor of them and the survivor of their personal representatives and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows:

BEING KNOWN AND DESIGNATED AS "Parcel 2A, Part of Lot 2 shown on the Plat entitled, "Lismore," which plat is recorded among the Land Records of Baltimore County in Liber E.H.K., NO. 54, Folio 146. There being no improvements thereon.

BEING, part of that lot of ground which by Deed dated August 30, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., JR. NO. 6791, Folio 597, was granted and conveyed by Jerry L. Smith and Jean B. Smith, his wife, unto P.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND
Per [Signature]
Authorized Signature

SIGNATURE [Signature] DATE [Signature] Sec. 33-139 H

Lyle A. Brecht 5 Starlight Farm Drive Phoenix, MD 21131

April 17, 1989

William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building Room 315
Towson, MD 21204

Re: CASE # 90-215-SPHA

Dear Mr. Hackett:

I am writing this letter in support of Mr. J. Robert Haines', Zoning Commissioner of Baltimore County ruling on CASE # 90-215-SPHA which concerns the conveyance of parcel 2A, located in the Lismore subdivision, by Mr. Patrick Oliver Maher (absent owner) to the Starlight Farm subdivision property owned by Mr. Edward L. Rosenberg (absent owner) and Mr. Henry Rosenberg III.

My property, located in the Starlight Farm subdivision abuts Lismore Farm subdivision and is located approximately 120 yards from the barn on parcel 2A.

I am extremely concerned, however, that with the appeal of Mr. Haines' ruling in this matter, the existing barn on Parcel 2A will not be removed on or before July 1, 1990 as ordered.

At present, the barn is a dangerous public safety and fire hazard. I have taken a few photos of the barn (taken 4/9/90) to illustrate my concerns which include the following:

1. The barn is structurally unsafe. As an example, Photo #1 and #2 shows the condition of one of the primary support beams.
2. The land around the barn has become an open dumping ground for rubbish by Mr. Henry Rosenberg. Photo #3 shows the brush pile in the rear of the barn. Photo #4 shows a portion of the brush pile along the front of the barn.

Additionally, Mr. Rosenberg has blocked off fire and emergency vehicle access completely from an access road located in front of the barn in the Starlight Farm subdivision with shared rights of ingress and egress by other Starlight Farm property owners to the west which crosses Mr. Rosenberg's land (see photo #5 and photo #6).

62 JUN 51 84705
COUNTY OF BALTIMORE
RECEIVED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
1111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
May 7, 1990
NOTICE OF ASSIGNMENT

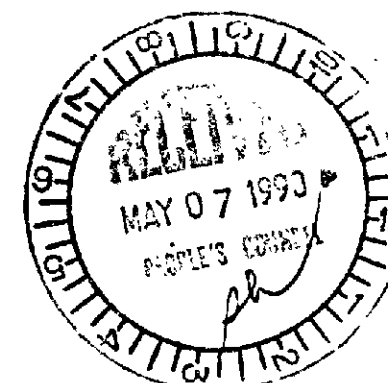
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-215-SPHA PATRICK OLIVER MAHER, ET UX
SE/S Phoenix Rd., W/S Starlight Farm Dr. -
Parcel 2A
8th Election District
3rd Councilmanic District
SPH - Amendment to "Lismore" to retain barn;
VAR-accessory structure (existing barn) & setbacks
2/13/90 - Z.C.'s Order DENYING Petitions.
TUESDAY, SEPTEMBER 18, 1990 at 10:00 a.m.

ASSIGNED FOR:

cc: Lewis L. Fleury, Esquire Counsel for Petitioners/Appellants
Mr. & Mrs. Patrick Maher
Mr. Edward L. Rosenberg
Mr. John E. Sandrock
B. Dale Gibson
Mr. Nick Hale
Mr. Paul Kupper
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Linda Lee M. Kusznau
Legal Secretary



85-1 PM 8-14W06
COUNTY OF BALTIMORE
RECEIVED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
1111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 4, 1990

Mr. Nick Hale
3 Starlight Farm Drive
Phoenix, MD 21131

RE: Case No. 90-215-SPH
Patrick Oliver Maher, et ux

Dear Mr. Hale:

Enclosed is a copy of the Zoning Commissioner's decision in the subject case. In addition, your name and address have been added to the case file and you will receive notification when this matter is set in for hearing before the Board.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

5/7/90 - Following parties notified of hearing set for September 18, 1990 at 10:00 a.m.:

Lewis L. Fleury, Esq.
Mr. & Mrs. Patrick Maher
Mr. Edward L. Rosenberg
Mr. John E. Sandrock
B. Dale Gibson
Mr. Nick Hale
Mr. Paul Kupper
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon
Mr. Lyle A. Brecht

9/10/90 - Per J. C. Holzer, Counsel for D. Gibson, protestant - Mr. Holzer will be unable to be at Board's hearing on 9/18/90 at 10:00 scheduled hearing time due to Circuit Court matter; will submit letter to Board advising of this, with copy to Counsel for Petitioners.

9/13/90 - Letter from J. C. Holzer - advising of above and attempt to have CC matter called early; will be present at Board's hearing as early as possible.
9/18/90 - Continued on the record. Above parties notified of hearing set for November 2, 1990 at 9:00 a.m. for the purpose of submitting an agreement only.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Posted for: Appeal
Petitioner: Patrick Oliver Maher
Location of property: SE/S Phoenix Rd. - W/S Starlight Farm Dr.
Location of Sign: Sign down - replaced soon after post
Remarks: 5/3/90
Posted by: [Signature]
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 471-3333
J. Robert Haines
Zoning Commissioner

March 26, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
SE/S Phoenix Road, E/S Starlight Farm Drive - Parcel 2A
8th Election District, 8th Councilmanic District
PATRICK OLIVER MAHER, ET UX - Petitioners
Case No. 90-215-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 12, 1990 by Lewis L. Fleury, Attorney for Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

Enclosure

cc: Mr. & Mrs. Patrick Oliver Maher
135 Grogan's Landing, Dunwoody Georgia, 30350

Lewis L. Fleury, Esquire, 424 Woodbine Avenue, Towson, MD 21204
Edward L. Rosenberg, 9 Starlight Farm Road, Phoenix, MD 21131
25-10 JUN 02 04W05

Appeal Cover Letter - Case No. 90 215-SPHA
Patrick Oliver Maher, et ux
March 23, 1990
Page 2

John E. Sandrock, 18201 Bunker Hill Road, Parkton, MD 21120

B. Dale Gibson, 7 Starlight Farm Road, Phoenix, MD 21131

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Posted for: Appeal
Petitioner: Patrick O. Maher
Location of property: SE/S Phoenix Rd. - W/S Starlight Farm Dr.
Location of Sign: Parcel 2A - Replaced - 6/8/90
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

LEWIS L. FLEURY
ATTORNEY AT LAW
424 WOODBINE AVENUE
TOWSON, MARYLAND 21204
(301) 253-9200

March 12, 1990

Robert J. Haines,
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

IN RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE
SE/S Phoenix Road E/S Starlight Farm Drive
Parcel 2A
8th Election District
3rd Councilmanic District

Patrick Oliver Maher, et ux, Petitioners

Dear Mr. Commissioner:

Please enter an appeal to the Board of Appeals of Baltimore County from your order of February 12, 1990, denying requested approval of amendment of the development plan and variances in the above matter.

Enclosed is my check in the amount of \$275.00 for costs of same.

Very truly yours,

L. S. Fleury
Lewis L. Fleury
Attorney for Petitioners

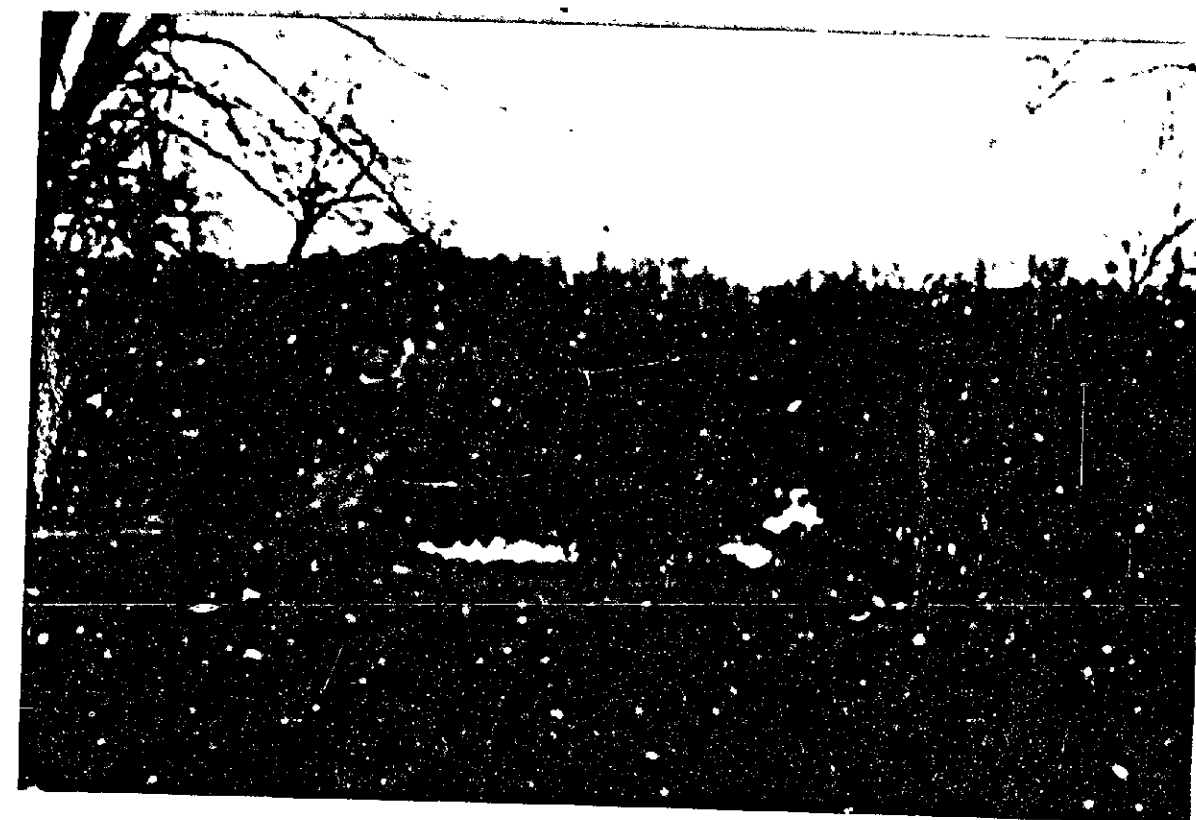
LF/me
cc: Dr. and Mrs. Patrick Oliver Maher
17/Maher.App

RECEIVED MAR 12 1990

PROTESTANT(S) EXHIBIT (1)



A black and white photograph of a small, dark, gabled building, possibly a shed or barn, surrounded by trees and foliage. The image is grainy and has a high-contrast, almost abstract quality.



A black and white photograph of a large, dark, gabled barn or shed, possibly made of wood or metal, situated in a field. The structure is surrounded by trees and foliage, and the image is framed by a thick black border.



COUNTY DIVISION OF CRIMINAL JUSTICE
BIRMINGHAM, ALABAMA 35203

COUNTY REVIEW GROUP - TRUST PRESENTS

Robert Covatta, Chairman	- Dept. of Public Works
Tom Jones, Co-Chairman	- Office of Current Planning

Agency Representatives

Dwight Little	- Developers Engineering Division
Capt. Jos. Kelly	- Fire Department
Greg Jones	- Traffic Engineering
Tom Ernst	- Health Department
Larry Wilson	- Health Department

Developer And/OR Representatives

P. Oliver Walter	- Developer
Mary Walter	- Developer
E. F. Rappel	- Developer's Engineer

Integrated Citizens - See Attached

Mr. Coveley opened the meeting at 11.45 a.m., introduced the staff, and explained the purpose of the meeting.

Mr. Rayzel presented the Plan.
Mr. Azzit summarized the staff comments submitted from the Fire Department, Storm Water Management Review Section, Dept. of Recreation & Parks, Bureau of Sanitation, Dept. of Traffic Engineering, Office of Planning, Office of Zoning, Health Dept., and Developers Engineering Division. These comments have been made a part of these minutes, and a copy was also given to the developer and developer's engineer.
There was no further discussion and no comment. Mr. Azzit, representing the Gibsons,

The citizens were invited to comment. Mr. Raffitt, representing the Gibsons, questioned the overflow from the pond, the relationship of the pine trees to the new road, and the drainage flow across the Gibson's property. Ms. Dopahn, representing Mr. Readmond, discussed proposals for a private road in lieu of the public road desired by the County. Messrs. Hale, Rosenberg and Brecht all favored a private road and also discussed the intersection with Phoenix Road and the design of the new road.

The staff comments are as follows: Traffic Engineering required the reconstruction of the intersection with Phoenix Road and also recommended grading and acceleration and deceleration lane.

Planning and Zoning both required that the Smith lot be included on all plans. Zoning required that Lot 2-A be noted as not for building purposes. Additionally, a variance hearing may be required for setbacks.

**PETITIONER'S
EXHIBIT 5**

November 27, 1985

Developers Engineering Division required a cul-de-sac at the end of the road. The Plan was revised in accordance with all comments and was, therefore, approved. After much discussion regarding public vs. private road, it was determined that this matter should be resolved outside of the C.S.G. process. The meeting was adjourned at 1:10 p.m.

PETITION IN SUPPORT OF
 EXISTING BARN ON LOT 2-A
 WE, THE UNDERSIGNED OWNERS OF LOTS IN LISMORE, HEREBY WITNESS OUR
 SUPPORT FOR THE PETITIONS FILED OR TO BE FILED WITH THE ZONING
 COMMISSIONER OF BALTIMORE COUNTY TO A'END THE DEVELOPMENT PLAN OF
 LISMORE AND ALLOW THE OWNERS OF SAID LOT 2-A TO RETAIN THE EXISTING
 BARN ON SAID LOT.

DATE: 8/13/89 LOT NO.: NAME

**PETITIONER'S
EXHIBIT** 7

F11/SUPPORT

WE, THE UNDERSIGNED OWNERS OF LOTS IN LISMORE, HEREBY WITNESS OUR SUPPORT FOR THE PETITIONS FILED OR TO BE FILED WITH THE ZONING COMMISSIONER OF BALTIMORE COUNTY TO AMEND THE DEVELOPMENT PLAN OF LISMORE AND ALLOW THE OWNERS OF SAID LOT 2-A TO RETAIN THE EXISTING BARN ON SAID LOT.

DATE:	LOT NO.:	NAME:	OWNER
11/22/89	4	William B. Peacher Jan R. Peacher	}
11/22/89	5	William B. Peacher Jan R. Peacher	

PETITIONER'S
EXHIBIT 6

F11/SUPPORT

90-215-SPHHA

District: 80th Date of Posting: 4/18/80
 Posted for: Approved
 Petitioner: Robert Oliver Mahoy
 Location of property: 2515 Phoenice Rd., 4th Streetlight from Dr.
Parcel 24
 Location of Sign: Times Phoenice Rd. at intersection of 4th Streetlight from Dr.
approx. 20' from roadway, on property of R.O. Mahoy
 Remarks:
 Posted by: M. B. B. Date of return: 4/16/80
 Number of Signs: 1 Signature

MAHER PROPERTY
Nov. 27, 1985, Wednesday
11:00 a.m.

C. R. G. MEETING AGEND.

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of Plan by Developer's representative
5. Comments of County agencies
6. Citizens' comments or questions
7. Developer's response
8. County Review Group decision
9. Adjourn meeting

SIGN IN

James S. Moffitt
Signal & Transport
John J. Brock
John W. Brock
J. P. Mitchell
Emil Lindqvist
Joe Rubin
W. N. Mark
D. H. H. H. H.

Address
1 N. Center St
2100 Delaware Ave
1502 15th St
R. 1501 Phoenix Rd
4502 Sempley Rd. 2412
1505 Phoenix Rd.

**Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353**

**J. Robert Haines
Zoning Commissioner**

Dr. and Mrs. Patrick Oliver Maher
135 Grogan's Landing
Dunwoody, Georgia 30350

March 31, 1989

RE: Case No. C-89-1404
Parcel 2A-Starlight Farm Drive
8th Election District

Dear Dr. and Mrs. Haring:

Enclosed please find a copy of a report dated March 14, 1989, written by Joseph Nolan, Assistant Buildings Engineer. You will note that Mr. Nolan found no reason to assume that the existing structure is unsafe at this time. However, he has stressed that its use should only be that limited to a barn.

Since you will be desiring to seek a public hearing to amend the Final Development Plan to allow this structure to remain, it is imperative that you file the appropriate petition forms with Development Control. Also, there is a strong possibility that you may have to file for a variance petition relative to setbacks for the existing barn.

Within thirty-five (35) days from the date of this letter you must have a petition review date with Development Control (391-537-3591) as to the petition filing. Again, I am advising you to seek local assistance since you are out of state and the complexity of this matter cannot be resolved thru the mail.

As stated in my letter of February 23, 1989, failure to resolve this alleged violation will result in the issuance of a citation.

Sincerely

JAMES H. THOMPSON
Zoning Enforcement Coordinator

JHT:lis

**PETITIONER'S
EXHIBIT 8**

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, MD 21204

RE: Item No. 55, Case No. 90-215-AV
Petitioner: Patrick O. Maher, et ux
Petition for Zoning Variance and
Special Hearing

Dear Mr. Fleury:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Patrick O. Maher
135 Grogan's Landing
Dunwoody, GA 30350

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3553

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
15th day of September, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Patrick O. Maher, et ux

Petitioner's Attorney: Lewis L. Fleury

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
SEP 14 1989

ZONING OFFICE

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 4, 26, 44, 45, 46, 47, 48, 49, 51, 52, 53, and 55.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MEF/lw

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reiche
Chief

AUGUST 10, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PATRICK OLIVER MAHER
Location: CORNER OF SE/S OF PHOENIX ROAD
Item No.: 55 Zoning Agenda: AUGUST 15, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

AUG 11 1989

AUG 11 1989

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 1, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 90-215-ASPH, Item 55
Patrick O. Maher, et ux, Petitioner

The Petitioners request a Variance to building height and setback requirements in order to allow a barn to remain on a parcel of land separate from the lot which contains the principal dwelling.

In reference to this request, staff offers the following comments:

- The site is part of the "Lisamore" subdivision, which obtained CRG approval on November 27, 1985 (File No. VIII-4311). At the time of CRG review, the Zoning Office commented on the status of the subject barn and parcel 2-A indicating at that time that Variances may be required (see attachments). The Final Development Plan indicated the barn to be removed. It has not been removed, as indicated, and a Variance is now requested.
- If the petition is granted, a restriction should be placed on the use of the barn, limiting its use to the indoor storage of the personal possessions of the owner of Lot 2 only. No residential use shall be permitted on Parcel 2-A. If the existing barn is destroyed or removed at some time in the future, no replacement may be constructed on Parcel 2-A.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:CR:ggl
Attachment
90215ASF/ZAC1

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:CR:ggl
Attachment
90215ASF/ZAC1

APPEAL

Petition for Special Hearing and Zoning Variance
SE/S Phoenix Road, W/S Starlight Farm Drive - Parcel 2A
8th Election District - 3rd Councilmanic District
PATRICK OLIVER MAHER, ET UX - Petitioner
Case No. 90-215-SPHA

Petitions for Special Hearing and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments (None if file)

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1, 2 & 3 - Plats to accompany Petitions

4 - Four photographs of barn

5 - C.R.G. meeting agenda

6 & 7 - Petitions in support of barn

8 - Letter to Petitioners from Zoning Enforcement Supervisor

Protestant's Exhibits: 1. Three photographs of house

Zoning Commissioner's Order dated February 13, 1990, Denied

Notice of Appeal received March 12, 1990 from Lewis L. Fleury, Attorney for Petitioners

cc: Mr. & Mrs. Patrick Oliver Maher
135 Grogan's Landing, Dunwoody Georgia, 30350

Lewis L. Fleury, Esquire, 424 Woodbine Avenue, Towson, MD 21204

Edward L. Rosenberg, 9 Starlight Farm Road, Phoenix, MD 21131

John E. Sandrock, 18201 Bunker Hill Road, Parkton, MD 21120

B. Dale Gibson, 7 Starlight Farm Road, Phoenix, MD 21131

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

LEWIS L. FLEURY
ATTORNEY AT LAW
424 WOODBINE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3553

March 12, 1990

Robert J. Haines,
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

IN RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE
SE/S Phoenix Road E/S Starlight Farm Drive
Parcel 2A
8th Election District
3rd Councilmanic District

Patrick Oliver Maher, et ux, Petitioners

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
No 1735

Date

3/12/90

APPEAL FEES	QTY	PRICE
140 - OF ALL OTHER ORDERS	2 X	\$125.00
150 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
LAST NAME OF OWNER: MAHER	TOTAL:	\$150.00

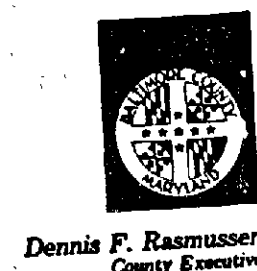
CASE # 90-215-SPHA

8 0394*****275001a 3155F

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 5, 1990



Dennis F. Rasmussen
County Executive

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing & Zoning Variance
Patrick Oliver Maher, et ux, Petitioners
Case 90-215-SPHA

Dear Mr. Fleury:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm

cc: Peoples Counsel

cc: Mr. and Mrs. Patrick Oliver Maher
135 Grogans Landing
Dunwoody, Georgia 30350

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 26, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
SE/S Phoenix Road, W/S Starlight Farm Drive - Parcel 2
8th Election District, 8th Councilmanic District
PATRICK OLIVER MAHER, ET UX - Petitioner
Case No. 90-215-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 12, 1990 by Lewis L. Fleury, Attorney for Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Patrick Oliver Maher
135 Grogans Landing, Dunwoody Georgia, 30350

Lewis L. Fleury, Esquire, 424 Woodbine Avenue, Towson, MD 21204

Edward L. Rosenberg, 9 Starlight Farm Road, Phoenix, MD 21131

J. Robert Haines
Baltimore County
Zoning Commissioner
Towson, Maryland 21204

8/7/90

Dear Commissioner,
The purpose of this letter is to obtain a copy of the tape from the hearing case No. 90-215-SPHA, Patrick Oliver Maher, ET UX Parcel 2-A Starlight Farm Drive.
I attended the hearing and need the tapes for the Appeal Hearing. Thank you.

Sincerely,

B. Dale Gibson
8 Dale Gibson
7 Starlight Farm Drive
Phoenix, Md. 21131
Home (472-5480)
Work (771-4045)

RECEIVED
AUG 7 1990
ZONING OFFICE

90-215-SPHA

PLEASE PRINT CLEARLY

Petitioner(S) SIGN-IN SHEET

NAME

ADDRESS

B. Dale Gibson
B. Dale Gibson

7 Starlight Farm Drive 211

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Patrick Oliver Maher

135 Grogans Landing Dunwoody

Edward L. Rosenberg

9 Starlight Farm Drive

John E. Sandrock

18201 Dunwoody Hill Park

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Posted for: Special Hearing & Variance
Petitioner: Patrick Oliver Maher et ux
Location of property: 135 Grogans Landing, Dunwoody, Georgia 30350
Location of Sign: 135 Grogans Landing, Dunwoody, Georgia 30350
Remarks: Petitioner's request for a Special Hearing and Zoning Variance to allow the construction of a 1.5 acre residential development on the subject property.
Posted by: J. Robert Haines
Number of Signs: 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE

Mr. & Mrs. Patrick Oliver Maher
135 Grogans Landing
Dunwoody, Georgia 30350

RE: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-215-SPHA
Corner SE/S of Phoenix Road, W/S of Starlight Farm Drive
Parcel 2A
8th Election District - 3rd Councilmanic
Petitioner(s): Patrick Oliver Maher, et ux
HEARING: MONDAY, DECEMBER 4, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Maher:

Please be advised that \$_____ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
ZONING COMMISSIONER

JRH:cer
cc: Lewis L. Fleury, Esq.
File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3353
May 7, 1990
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 21(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-215-SPHA PATRICK OLIVER MAHER, ET UX
SE/S Phoenix Rd., W/S Starlight Farm Dr. -
Parcel 2A
8th Election District
3rd Councilmanic District
SPH - Amendment to "Lisomore" to retain barn;
VAR-accessory structure (existing barn) & setbacks
2/13/90 - Z.C.'s Order DENYING Petitions.

ASSIGNED FOR: TUESDAY, SEPTEMBER 18, 1990 at 10:00 a.m.

cc: Lewis L. Fleury, Esquire Counsel for Petitioners/Appellants
Mr. & Mrs. Patrick Maher " "
Mr. Edward L. Rosenberg " "
Mr. John E. Sandrock " "
B. Dale Gibson " "
Mr. Nick Hale " "
Mr. Paul Ruffer " "
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Pocket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kusmaul
Legal Secretary

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 20, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 16, 1989.

THE JEFFERSONIAN,

S. Zebe Olson
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE

Mr. & Mrs. Patrick Oliver Maher
135 Grogans Landing
Dunwoody, Georgia 30350

RE: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-215-SPHA
Corner SE/S of Phoenix Road, W/S of Starlight Farm Drive
Parcel 2A
8th Election District - 3rd Councilmanic
Petitioner(s): Patrick Oliver Maher, et ux
HEARING: MONDAY, DECEMBER 4, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Maher:

Please be advised that \$129.80 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
ZONING COMMISSIONER

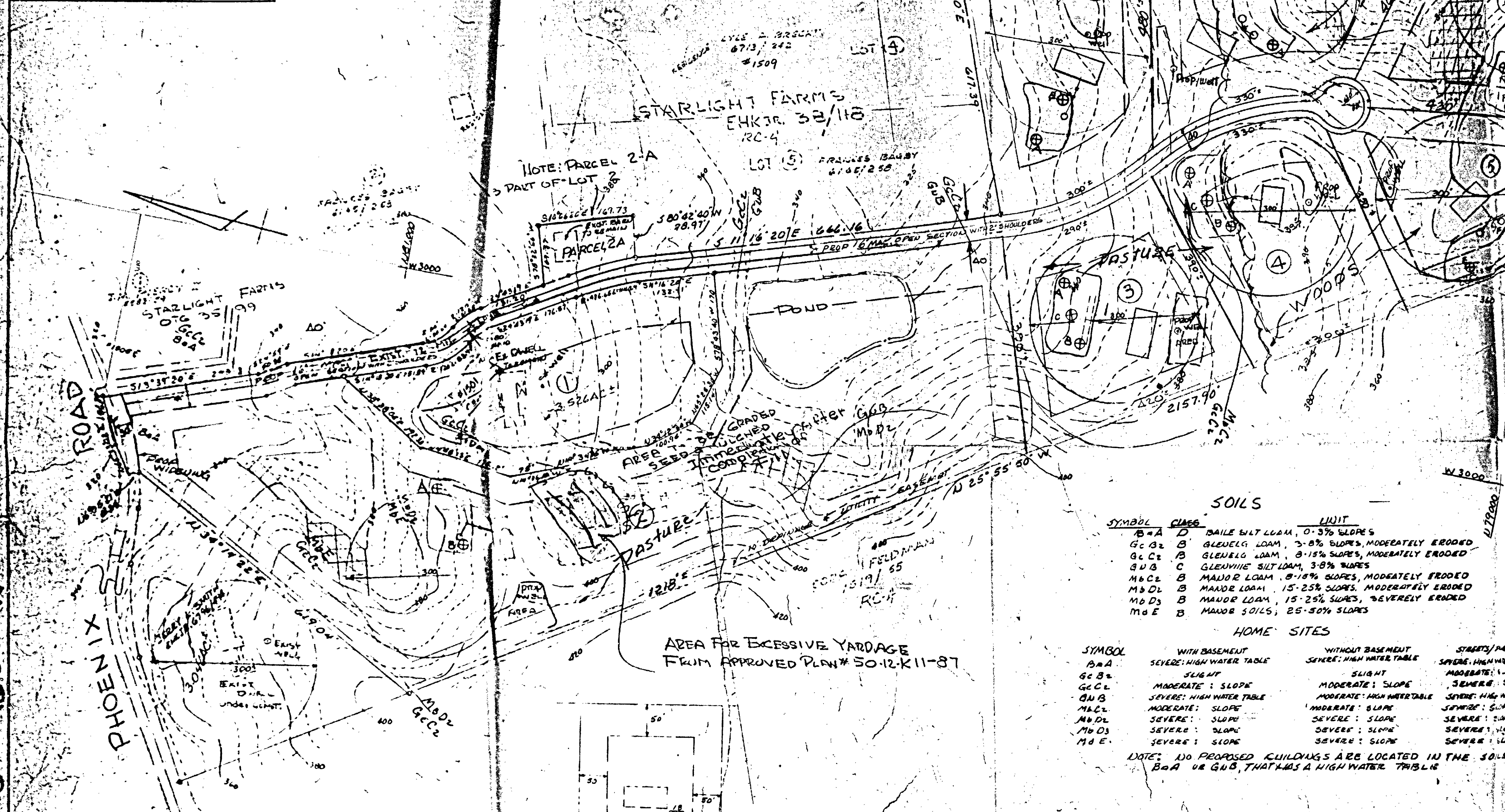
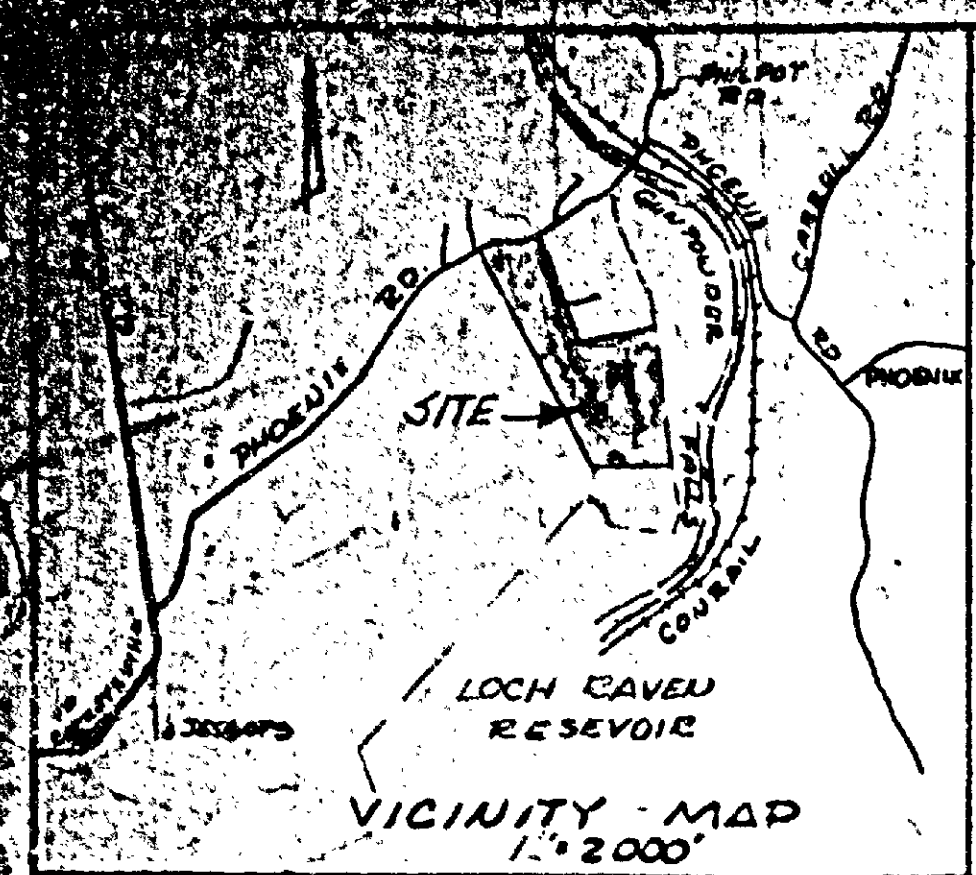
JRH:cer
cc: Lewis L. Fleury, Esq.
File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

Cashier Validation:

8 126*****126018 8126F
Please make checks payable to Baltimore County

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204		
Date	12/04/89	
Account	R0014150	
Number	110000783	
561	90-215	
PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS / ADVERTISING	1 X	\$129.80
LAST NAME OF OWNER: MAHER		TOTAL: \$129.80



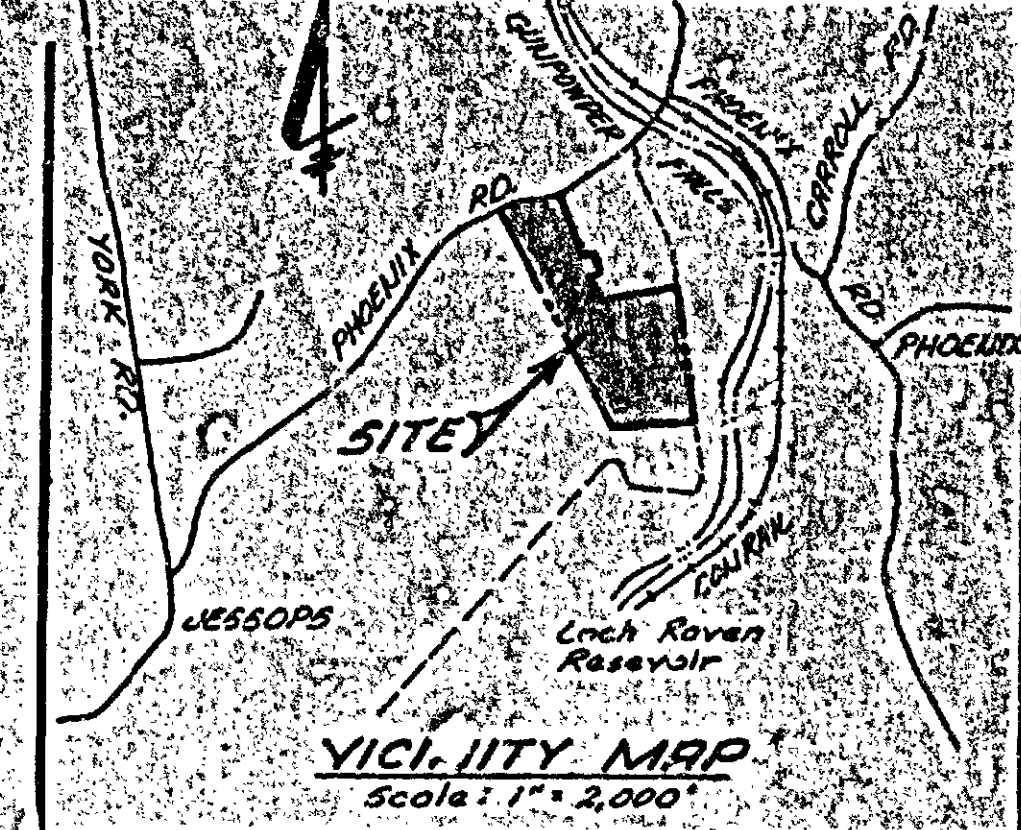
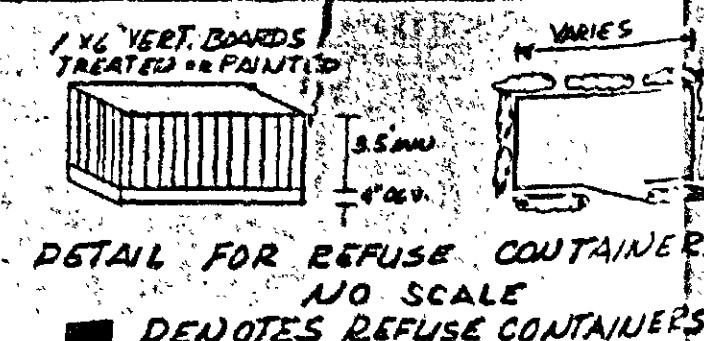
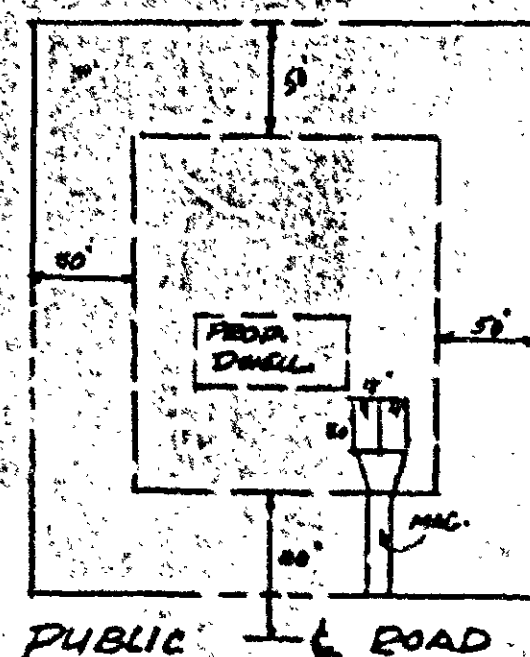
DENSITY CALCULATION
EXISTING ZONE RC-4
GROSS AREA OF TRACT 45.490 AC
45.490 X 0.025 = 1.14 LOT PERMITTED
NUMBER LOT PROPOSED = 5
DENSITY = 9/45.49 = 0.198 Lot/AC

GENERAL NOTES

- EXISTING ZONE RC-4
- MIN. LOT AREA 3.0 AC
- STORM DRAIN EASEMENT TO BE DETERMINED BY TOWN
- TOPO SHOWN FROM BALTO CO PHOTOGRAPHIC
- FOR PANHANDLE LOTS REUSE COLLECTOR DRAINAGE ROAD MAIN AVE PROVIDED IN STREET DRAINAGE
- PANHANDLE PROPERTIES TO BE PROVIDED WITH CURB AND GUTTER AT PUBLIC R/W
- ALL SEPTIC SYSTEMS ARE 400 MIN. FROM WATER
- CLEARING & GRADING LIMITED TO DRIVE & HOUSE SITE CONSTRUCTION ONLY
- PANHANDLE LOTS SUBJECT TO REPAIRING AND MAINTENANCE AGREEMENT WITH RECORD PLAT
- ALL LOTS SETBACK ARE 100' FROM A ROAD 50' FROM SIDE & REAR YARD
- ALL LOT FOR SALE
- NO EXISTING WATER WELL WITHIN 100' OF TRACT
- NO OPEN SPACE REQUIRED
- NO WETLANDS CRITICAL AREAS, AESTHETIC SITES OR HAZARDOUS MATERIALS ARE EXIST WITHIN THIS SITE
- NOT AN ENDANGERED SPECIES HABITAT ACT
- 2 PARKING SPACES TO BE PROVIDED FOR EACH LOT
- THIS SITE CONTAINS NO BUILDINGS WITH HISTORICAL DESIGNATION
- STORM WATER MANAGEMENT EXEMPT (ALL LOTS EXCEPT 3 AC)
- GUNPOWDER FALL WATER SHED
- 34 COUNCILMANIC DISTRICT
- CENSUS TRACT 6081
- SUBSEWER SHED B1 NO PLANNED
- PROPERTY DEED REF. 63/517 TRACT 04/19/08/09
- 300' CIRCLE CAN BE INCREASED ON EACH LOT
- WATERSHED #13
- GRADE OVER 25%
- A.O.T. 115
- DEVELOPER APPROVED PERMIT & UNAPPROVED PERMIT
- PARCEL 2A IS PART OF LOT 2 & IS NOT A SEPARATE LOT

SOILS

SYMBOL	CLASS	UNIT
B/A	D	BAILEY SILT LOAM, 0-3% SLOPES
Gc Bz	B	GLENELG LOAM, 3-8% SLOPES, MODERATELY ERODED
Gc Cz	B	GLENELG LOAM, 8-15% SLOPES, MODERATELY ERODED
Gc B	C	GLENELG SILT LOAM, 3-8% SLOPES
Mb Cz	B	MAJOR LOAM, 8-15% SLOPES, MODERATELY ERODED
Mb Dc	B	MAJOR LOAM, 15-25% SLOPES, MODERATELY ERODED
Mb Ds	B	MAJOR LOAM, 15-25% SLOPES, SEVERELY ERODED
Mb E	B	MAJOR SILT, 25-50% SLOPES

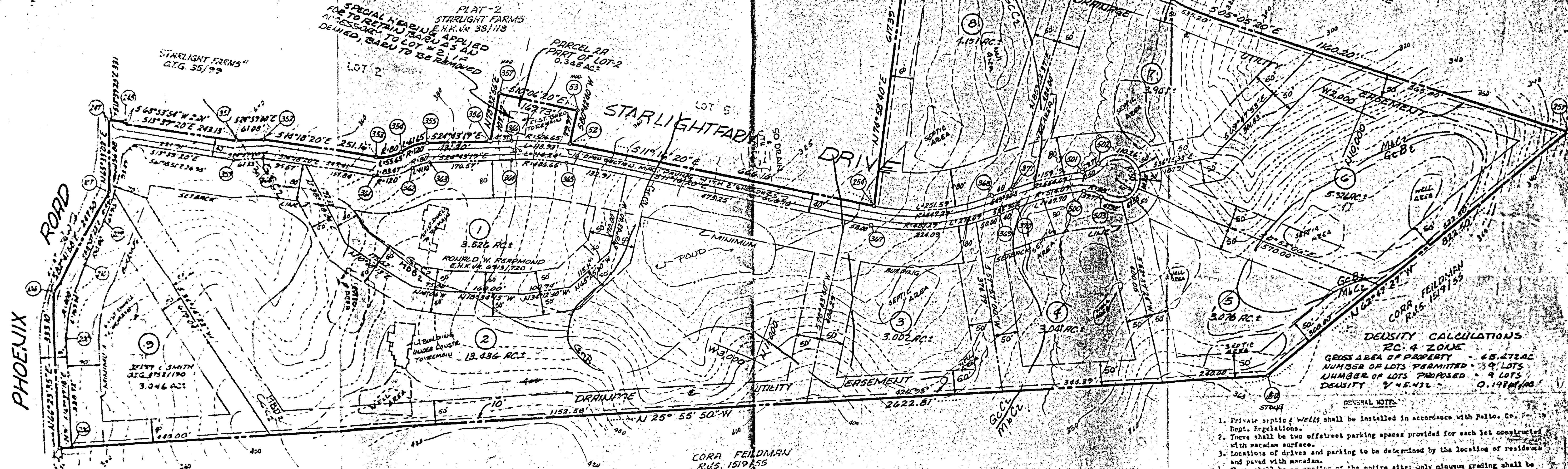


TYPICAL LOT
SHOWING SETBACKS & TYPICAL
PARKING LAYOUT
NO SCALE

STARLIGHT FARMS
G.T.G. 35/99

SPECIAL HEARING APPLIED
FOR TO RETAIN BASED AS AD
DENIED, BASED TO BE REMOVED

PARCEL 2A
PORT OF LOT-2
0.345 AC.



DENSITY CALCULATIONS
ZC-4 ZONE
GROSS AREA OF PROPERTY - 45.672 AC.
NUMBER OF LOTS PERMITTED - 9 LOTS
NUMBER OF LOTS PROPOSED - 9 LOTS
DENSITY 9/45.672 - 0.198/AC.

GENERAL NOTES

1. Private septic & wells shall be installed in accordance with Balto. Co. Health Dept. Regulations.
2. There shall be two offstreet parking spaces provided for each lot constructed with macadam surface.
3. Locations of drives and parking to be determined by the location of residences and paved with macadam.
4. There shall be no grading of the entire site; only minimum grading shall be performed as required for the construction of houses and drives on any lot.
5. There shall be no cutting of trees and shrubs from any lot. Only dead, diseased or trees necessary for the construction of houses and drives shall be removed.
6. All lots are to be sold.
7. Maximum building height of any structure is 35'.
8. Major vegetation is *PAVING FIELDS*.
9. No open space is required.
10. Contours shown are from BALTO. CO. PHOTOGRAPHICS.
11. Minimum building setbacks required:
 - a. 100' from 2nd street and not less than 50' from street R/W.
 - b. Minimum of 50' side yard.
 - c. Minimum of 50' rear yard.
12. Lot dimensions and acreage as shown on this plan shall be substantially in accordance with the plat.
13. The Owner reserves the right to resubdivide the lots in compliance with all applicable regulation and to erect and maintain all utility maintenance agreements for individual lots.
14. Refuse collection, show *PAVING FIELDS* and *PAVING FIELDS* are provided to the junction of the panhandle R/W and not on the panhandle lots driveway.
15. Envelopes shown hereon are for the location of all principle buildings only. Accessory structures, fences and projections must comply with Section 301 and 100 of the Balto. Co. Zoning Regulations (subject to covenants and applicable building permits).
16. *G.T.G. APPROVAL DATE: 11/1/85*
17. Planting on each lot to be provided by the owner of the lot.
18. Front of houses to be 50' from property lines.
19. Panhandle drive to be paved with macadam.
20. Δ Denotes approved street lights by Balto. Co. (approximate location).
21. Refuse collection by Balto. Co.
22. The lots shown hereon are sold subject to certain covenants and restrictions of public record.
23. No more than 10% of the lot may be covered by *IMPERVIOUS SURFACES* such as *PAVING FIELDS* or *PAVING FIELDS*.
24. A.D.T. = 12.4 x 9.12
25. \square Denotes trash and mailboxes.
26. *RELOCATION OF WELL & SEPTIC AREAS PERMITTED WITH THE APPROVAL OF THE HEALTH DEPARTMENT.*

SYMBOL	CLASS	UNIT
B-A	D	BAILEY LOAM, 0-3% SLOPES
G-C	B	GLENELO LOAM, 3-8% SLOPES, MODERATELY ERODED
G-C	B	GLENELO LOAM, 8-15% SLOPES, MODERATELY ERODED
G-U	C	GLENNING SUT LOAM, 3-8% SLOPES
M-C	B	MAJOR LOAM, 8-18% SLOPES, MODERATELY ERODED
M-D	B	MAJOR LOAM, 15-25% SLOPES, MODERATELY ERODED
M-D	B	MAJOR LOAM, 15-25% SLOPES, SEVERELY ERODED
M-E	B	MAJOR SOILS, 25-50% SLOPES

HOME SITES

SYMBOL	WITH BASEMENT	WITHOUT BASEMENT	STREETS/ROADS
B-A	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
G-C	SLIGHT	SLIGHT	SEVERE: SLOPE
G-C	MODERATE: SLOPE	MODERATE: SLOPE	SEVERE: SLOPE
G-U	SEVERE: HIGH WATER TABLE	MODERATE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
M-C	MODERATE: SLOPE	MODERATE: SLOPE	SEVERE: SLOPE
M-D	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
M-D	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
M-E	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE

NOTE: NO PROPOSED BUILDINGS ARE LOCATED IN THE SOILS B-A OR G-U, THAT HAS A HIGH WATER TABLE

This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations that it complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings, or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

OWNER/DEVELOPER
OLIVER T. MAHER
410 FOX CHAPEL DRIVE
LUTHERVILLE MD. 21113
PH. 252-6678

OFFICE OF PLANNING & ZONING
APPROVED BY

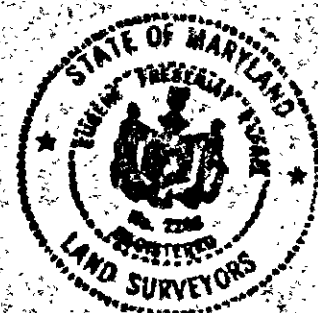
DIRECTOR OF PLANNING DATE
ZONING COMMISSIONER DATE

FINAL DEVELOPMENT PLAN
LISMORE

8TH ELECT DIST.
SCALE 1"=100'

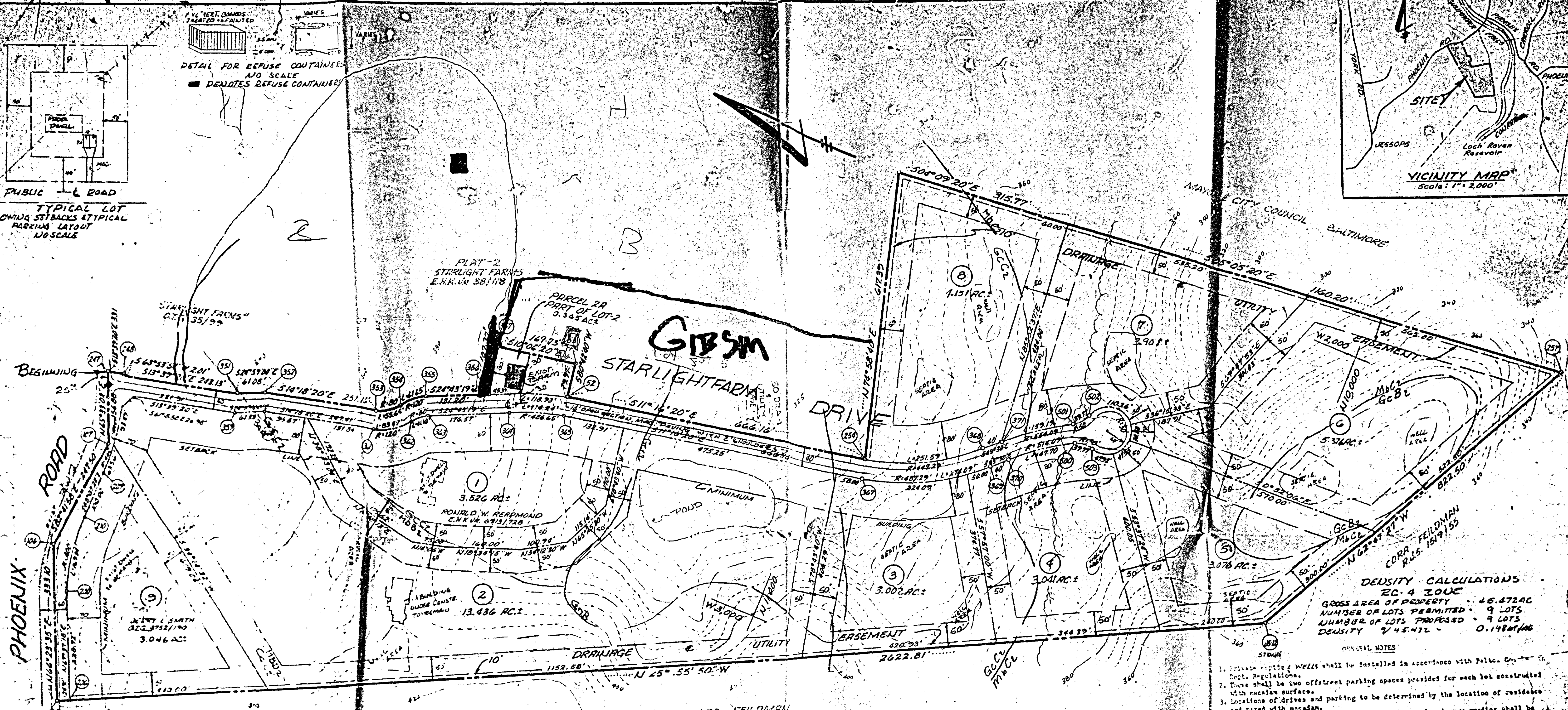
BALTO. CO. MD.
MAY 11, 1986

PETITIONER'S
EXHIBIT 2



C. F. RAFFEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURTLAND AVENUE
BALTIMORE, MD. 21204

1978



SYMBOL	CLASS	UNIT
BGA	D	BAILEY LOAM, 0-3% SLOPES
GC B1	B	GLENNHILL LOAM, 3-8% SLOPES, MODERATELY ERODED
GC B2	B	GLENNHILL LOAM, 8-15% SLOPES, MODERATELY ERODED
GC B3	C	GLENNHILL SILT LOAM, 3-8% SLOPES
MA B1	B	MAJOR LOAM, 0-10% SLOPES, MODERATELY ERODED
MA B2	B	MAJOR LOAM, 10-25% SLOPES, MODERATELY ERODED
MA B3	B	MAJOR LOAM, 25-50% SLOPES, SEVERELY ERODED
MA E	B	MAJOR SOILS, 25-50% SLOPES

HOME SITES

SYMBOL	WITH BASEMENT	WITHOUT BASEMENT	STEEL/PAVEMENT
BGA	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
GC B1	SLIGHT	SLIGHT	MODERATE: SLOPE
GC B2	MODERATE: SLOPE	MODERATE: SLOPE	SEVERE: SLOPE
GC B3	SEVERE: HIGH WATER TABLE	MODERATE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
MA B1	MODERATE: SLOPE	MODERATE: SLOPE	SEVERE: SLOPE
MA B2	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
MA B3	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
MA E	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE

NOTE: NO PROPOSED BUILDINGS ARE LOCATED IN THE SOILS BGA OR GUB, THAT HAS A HIGH WATER TABLE

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OFFICE OF PLANNING & ZONING
APPROVED BY

DIRECTOR OF PLANNING	DATE
ZONING COMMISSIONER	DATE

E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

PLAN TO ACCOMPANY SPECIAL HEARING
AND VARIANCE

LISMORE ENK 54/146

3" ELECT. DIST.
SCALE: 1"=100'

BALTO. CO. MD.
JULY 25, 1989

**PETITIONER'S
EXHIBIT 3**



DENSITY CALCULATIONS
RC-4 ZONE
GROSS AREA OF PROPERTY: 46.472 AC
NUMBER OF LOTS PERMITTED: 9 LOTS
NUMBER OF LOTS PROPOSED: 9 LOTS
DENSITY: 745.472 / 0.1484146

- Private utility wells shall be installed in accordance with Public Code, Title 21, Chapter 21-101.
- There shall be two off-street parking spaces provided for each lot constructed with residential surface.
- Locations of drives and parking to be determined by the location of residence and paved with macadam.
- There shall be no grading of the entire site; only minimum grading shall be performed as required for the construction of homes and drives on any lot.
- There shall be no cutting of trees and shrubs from any lot. Only dead, damaged or trees necessary for the construction of homes and drives shall be removed.
- All lots are to be sold.
- Maximum building height of any structure is 35'.
- Major vegetation is PASTURE FIELDS.
- No open space is required.
- Contours shown are from BALTO. CO. PASTURE FIELDS.
- Minimum building setbacks required:
a. 100' from E of street and not less than 50' from street R/W.
b. Minimum of 50' side yard.
c. Minimum of 50' rear yard.
- Lot dimensions and acreage as shown are appropriate and are substantially in accordance with the plat.
- The Owner reserves the right to resubdivide any lot in compliance with all applicable regulations and to create and perfect all applicable easements, agreements for individual lots.
- Refuse collection, snow removal and road maintenance are provided to the junction of the parhandle lot and the street R/W and to the parhandle lot driveway.
- Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fence and other structures must comply with Section 201-100 of the Balto. Co. Zoning Regulations (subject to covenants and applicable building permits.)
- CRK APPROVAL DATE 11/27/85.
- Planting on each lot to be provided by the owner of the lot.
- Front of houses to be 50' from property lines.
- Parhandle drive to be paved with macadam.
- Approved street lights by Balto. Co. (approximate location).
- Refuse collection by Balto. Co.
- The lots shown hereon are sold subject to certain covenants and restrictions of public record.
- No more than 10% of the lot may be covered by IMPERVIOUS SURFACES SUCH AS ROADS, DRIVEWAYS, PATIOS, etc.
- A.D.T. = 12.4 x 9 = 112.
- Denotes trash and mailbox locations.
- RELOCATION OF WELL & SEPTIC AREAS PERMITTED WITH THE APPROVAL OF THE HEALTH DEPARTMENT.